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Mistrial declared in vehicular homicide case

Meghann M. Cuniff
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Jon Strine waits in Judge Tari Eitzen's courtroom on Thursday, Feb. 10, 2011, for the jury decision in his vehicular homicide trial. The judge declared a mistrial.

Wails from a victim's daughter filled the courtroom just after the judge read what was presented as a unanimous acquittal. But seconds later, a juror said she didn't agree with the verdict. Then five more said the same thing.

The bizarre series of events, which several longtime Spokane County court officials said they'd never before seen, led to a mistrial Thursday in the vehicular homicide and assault trial of a Spokane stockbroker who broadsided a motorcycle in June 2009, killing the passenger and paralyzing the driver.

A new trial for Jon A. Strine, 43, is expected to begin in March.

The victims' family declined comment. Strine and his lawyer, premier private defense attorney Carl Oreskovich, also declined comment.

Deputy Prosecutor Mary Ann Brady said she was "so surprised by what happened."

But, she said, "This was a very tough case...Sometimes people just can't agree."

The 12 jurors left without speaking to media.

"I know this has been extremely difficult for everyone," Judge Tari Eitzen said in court.

Eitzen twice asked the jury foreman if she thought they could eventually reach a verdict.

“A unanimous verdict you mean?” the woman responded. “No your honor.”

All jury verdicts must be unanimous in criminal trials.

Strine contends the June 2, 2009, crash that killed 48-year-old Lorri Keller, an elementary school secretary, and paralyzed her husband, Gary Keller, 61, was a tragic accident resulting from a routine driving decision, not a criminal act.

State crime lab tests placed Strine’s blood-alcohol level at .20, but Oreskovich said the tests are notoriously unreliable. Experts for the defense said Strine’s alcohol consumption before the crash – about 4 ½ drinks in 3 ½ hours – would not have placed him over the legal limit for driving, which is .08.

Jurors watched surveillance video from Fast Eddie’s, where Strine and a waitress he’d met at Press bar were drinking before the crash. Strine drank two beers and took a sip of a shot of Crown Royal, but he didn’t appear visibly intoxicated on the video. Jurors also saw seconds-long video from Washington State Department of Transportation cameras that showed Strine’s silver Mercedes driving with the flow of traffic. But several motorists testified that Strine was driving erratically before the crash and nearly hit a curb.

Strine said he simply accelerated to pass a car to his right after realizing he was in the wrong lane of southbound Browne Street. Oreskovich told jurors his client was driving between 35 mph and 39 mph in the 30 mph zone.

Investigators placed Strine’s speed at 54 mph, but Gary Keller testified that he didn’t believe Strine was driving faster than 40 mph.

Strine testified last week that he drank two Firefly mixed drinks and a Stella Artois draft beer in about two hours at Press bar on South Grand Boulevard before driving Press waitress Jayme Venne to Fast Eddie’s bar on Spokane Falls Boulevard. Venne and her husband had applied for jobs there, and Strine offered to introduce her to the owner.

At the bar, Strine bought a bottle of Fat Tire beer for Venne and a shot of Crown Royal for a friend, then drank a glass and a half of Coors Light and “had a sip or two” of another Crown Royal shot, he testified.

He said he told a doctor he hadn’t been drinking only because he feared a police officer, who was in the room listening, was trying to pin the crash on him.

Strine wiped away tears during his testimony and cried when Oreskovich asked him if he took “any responsibility” for the crash.

“Yes,” Strine said. “Because I was there. I was driving my car. I didn’t see Gary. He didn’t see me. And I’m sorry ... for the accident.”

The Kellers, who lived in Mead, were in the area the evening of the crash so Gary Keller could locate an office where he was to have a doctor's appointment the next day.

"He was unfamiliar with the South Hill," Oreskovich told jurors.

Keller, who is now in a wheelchair, said he'd made a wrong turn and looped around before stopping at a stop sign on Fourth. His wife pointed in the direction of their destination before they proceeded into the intersection, he said.

"We weren't in any hurry," Keller said.

A civil suit filed by Keller against Strine, who has at least two previous drunken driving arrests, was settled out of court.

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